

# **WAYS AND MEANS**

## **COMMITTEE**

**of the**

## **SUFFOLK COUNTY LEGISLATURE**

### **Minutes**

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, November 17, 2005.

### **MEMBERS PRESENT:**

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chairman

Legislator Daniel Losquadro

Legislator Ricardo Montano

**MEMBER NOT PRESENT:**

Legislator Elie Mystal

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Sandy Sullivan • Clerk's Office

Ben Zwirn • County Executive's Office

Bill Faulk • Aide to Presiding Officer

Warren Greene • Aide to Legislator Alden

Ed Hogan • Aide to Legislator Nowick

Frank Tassone • Aide to Majority Leader O'Leary

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney

Maria Ammirati • Aide to Chairman O'Leary

John McGrath

Gordon Kelly

Mary Callaghan

Joyce Philbin • Collier

Greg Fischer

Joyce Rosenthal

Judie Gorenstein

Bill Kirchoff

Ruth Regan

Bret Evans

All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano • Court Stenographer.

**(\* THE MEETING WAS CALLED TO ORDER AT 9:50 A.M. \*)**

**CHAIRMAN O'LEARY:**

Good morning, all. I'll ask you to rise for the Pledge of Allegiance led by Legislator Montano.

**SALUTATION**

Thank you very much. We have several cards here. It appears that they are all speaking on the same issue, so I'm going to ask you to please keep within the three minutes allowed and say what you have to say, and we'll move right along with this public portion of Ways and Means. The first card is John McGrath.

**MR. MCGRATH:**

Good morning.

**CHAIRMAN O'LEARY:**

Good morning. Please state your name for the record. Thank you.

**MR. MCGRATH:**

Good morning. I'm John McGrath. I have spoken previously before the Suffolk County Legislature during the public hearing sessions this past summer and have previously informed the distinguished members of the Suffolk County Legislature of several areas of concern. Although we are deeply concerned that there are several topics at issue that we must address, we will limit the topic of concern today specifically to falsely reporting incidents and Orders of Protection, both involving parties whom are married and whom are not.

What ask this Legislative body to consider from a position of fairness and for the benefit of all citizens of Suffolk County that you advocate current laws and policies with regard to the procedures, laws and rules of how Suffolk County's Law Enforcement agencies and all other bureaus of public agencies, including the District Attorney's Office and all courts operating within Suffolk County, police who distribute Orders of Protection and prosecute those who have no regard whatsoever for the law and falsely file reports with no fear of penalty for doing so.

Equally important and necessary to address here is the need to discipline those who are mandated by New York State statutes and employed by the County's agencies for failure to report cases that either •• they either know of or have been notified of to contain false statements. We pray that this Legislature will also show its support for future legislative initiatives that may be advanced at this or at the state level. False reporting is not only a criminal act, but the failure to enforce the law and implement good policy incentives that will deter individuals from falsely reporting incidents and failing to hold such persons accountable for their actions is in our opinion a crime in itself and eroding our quality of life as well as being a gross abuse of valuable resources and an enormous disservice to the taxpaying citizens of Suffolk County.

Furthermore, when someone files a false report, they're not only committing a crime against the innocent subjects, but they also jeopardize the welfare and being of our civil servants who are dispatched in response to frivolous calls. They place the general public's safety at risk by simply not having them available to patrol and protect areas wherein there most definitely would have been greater need for their presence, again at the waste and expense of the taxpayers.

Falsely reporting incidents is clearly becoming the weapon of choice in failed matrimonial related cases. They are increasing in numbers, routinely in false reports of domestic violence, and coincidentally and gaining in popularity due to the winner•take•all mentality of New York State's forum for child custody cases and the false reporting of child abuse, maltreatment and neglect. These issues are currently being addressed at the state level as well. I must also note that there are a frightening number of other cases reported that involve subjects that are not related in any way at all to each other and may be nothing more than a neighbor dispute between parties who have issues with one another. The mere fact that currently in Suffolk County, anyone can file a property and obtain an Order of Protection for the sole purpose of manipulating someone's life is unconscionable. We would like to see this Legislature take all the steps necessary to ensure that the following are implemented: Establish strict severe penalties that would deter false reporting of any kind ••

**CHAIRMAN O'LEARY:**

Please wrap up, Mr. McGrath.

**MR. MCGRATH:**

•• make no arrest and/or removal absent a finding at a hearing, require a higher standard of proof or evidence be present before making an arrest, recognize the potential victim and act accordingly and appropriately to protect that victim, find organize •• fund organized representation for all respondents in Family Court and family issue related hearings, and implement stricter enforcement guidelines. The savings from the much wasted money ••

**CHAIRMAN O'LEARY:**

Sir, please summarize, your three minutes are up.

**MR. MCGRATH:**

I'm on my last paragraph.

**CHAIRMAN O'LEARY:**

Please. Thank you.

**MR. MCGRATH:**

The savings from the much wasted monies budgeted for valuable resources currently being abused, such as police and other law enforcement officials' salaries, prison costs, county court advocates for domestic violation and other victim advocacy groups, CPS caseworkers, law guardians, forensic psychologists, etcetera, will be offset by simply implementing severe penalties and stricter enforcement guidelines and allowing Suffolk County's resources and agencies to operate more efficiently.

**CHAIRMAN O'LEARY:**

Thank you very much.

**MR. MCGRATH:**

I thank you for allowing me this opportunity.

**CHAIRMAN O'LEARY:**

Next speaker is Gordon Kelly. Good morning, sir. Please identify yourself for the record. Thank you.

**MR. KELLY:**

Good morning. My name is Gordon Kelly, and I'd like each and every one of you to know how much I appreciate the personal sacrifice that each and every one of you made to be here today in service to your family and your community. And I thank you for the opportunity to testify here this morning.

It's with great remorse that I have to inform you that I am a divorced father. I've met with Senator Frank Padavan up in the Albany •• State of New York who is supporting me in my call. He will support legislation for a father to get an Order of Protection for his daughters when the grandfather is under investigation by Child Protective Services. As you are probably well aware, the Suffolk County Legislature is one of the most influential legislatures in New York State.

As a divorced father, I have no say in my children's education, I have no say in my children's religious upbringing, I have no say in my children's health care, and most importantly, I cannot protect my daughters from any negative influences in their lives. Thank you.



**CHAIRMAN O'LEARY:**

Thank you very much, Mr. Kelly. The next speaker is Mary Callaghan.

**MS. CALLAGHAN:**

Good morning. Thank you for hearing this morning, ladies and gentlemen. I am a lawyer.

**CHAIRMAN O'LEARY:**

Please state your full name for the record.

**MS. CALLAGHAN:**

I am Mary A. Callaghan. I am a lawyer. I represent parties in Family Court, both men and women. And I am here today to ask you to address the issue of representation for respondents in Family Court, which is a very serious issue. And I do know the statistics here supporting protection for victims of domestic violence violation. Domestic violence is a serious problem.

However, according the to the Department of Justice statistics, 5.4%, and only 5.4%, of all violent crime is interspousal. Of that, an additional 6% involves what are defined as boyfriends and girlfriends, a rather vague term. A person is much more likely to be assaulted by a stranger than by a spouse or intimate partner. However, upon an accusation of domestic violence, a rather broadly defined term, a person will be removed from •• and it usually is men •• removed from his home, he will appear in court usually the next day with no access to his documents, his papers, often his own clothes, and

he will be faced with a situation where this is no guidance for him or her as to how to proceed in court.

On the other hand, the accuser, the person making the allegation, goes to court, she finds advocacy groups to assist her in drafting her petition, often helping her to draft the accusations to make her petition viable, I know, I've been a courtroom advocate. And the person who is accused comes in with no guidance at all and with an overwhelming presumption of guilt. Once this order is issued, the person who is subject to the order is at the mercy of the person who is protected. Why should we care? Well, because these are violations of fundamental rights. The way our federal statutes are drafted, the state is protect from liability under the 11th Amendment.

**CHAIRMAN O'LEARY:**

Please sum up ma'am.

**MS. CALLAGHAN:**

Judges are protected. When we look for people to prosecute for the violations of civil rights, we have only the municipalities to •• against whom to seek damages. Just a thought.

**CHAIRMAN O'LEARY:**

Thank you very much. The next speaker is Joyce Philbin•Collier.

Good morning. Please state your name for the record. Thank you very much.

## **MS. COLLIER:**

Joyce Philbin•Collier. The abuse of Orders of Protection is not isolated to the Family Court system. It is fast becoming the new suburban revenge. The formula for misuse of Orders of Protection is a simple one; anyone can call the Police Department, concoct a lie and repeat the lie for the second and third time without a single morsel of proof provided to the police considered to deliver complaints, charges, and ultimately do the unconscionable, arrest innocent, good people, take away their freedom. All this based on unsubstantiated accusations. If someone accuses another of burglary, proof would be required before police could act. Yet in civil disputes, the police exercise no discernment and become willing participants in stealing away the freedom of the innocent.

The present manner in which Orders of Protection are issued and enforced holds a presumption of guilt without any need of proof, a condition which absolutely contradicts everything our country was built on. The present implementation of these order leaves the door wide open for many abuses infecting our system today. If taking away an innocent person's freedom and further violating that innocent person while in the court system isn't enough to compel you to enact serious reform as to how Orders of Protection are issued, then consider the enormous waste of resources. I am a wife and mother who posed no threat whatsoever. I have not had so much as a traffic ticket in over 20 years. I have been cooperative throughout my entire legal nightmare, yet it took five police cars, a minimum of ten police officer to arrive at my home in front of eight and ten year old children and steal my freedom away.

It does not go unnoticed that some real criminals are invited into the police department to be arrested and not put through the ordeal that innocent victims of the abuse use of Orders of Protection must endure; handcuffs, strip

searches, unsanitary conditions, being chained to drug addicts, thieves and violent criminals and left in the back of a freezing cold van for whenever someone feels like processing them into the next level of hell. When a formula for abuse exists, such as the way Orders of Protection are administered and carried out and it violates innocent people's lives, liberty and pursuit of happiness and further results in psychological damage of young children, then it is imperative that we make a swift changes to disallow further abuse of this nature. Please consider the immediate need to enact new legislation which will provide that an innocent person will never again fall victim to the formula of abuse which now exists. Further, we need to aggressively seek accountability to those who perpetuate these abuses. Thank you for your time.

**APPLAUSE**

**CHAIRMAN O'LEARY:**

Thank you very much. The next speaker is Mr. Greg Fischer.

**MR. FISCHER:**

My name is Greg Fischer. I'm a citizen of the County, residing in Calverton. I'm also here to speak on an organization called "Mothers for Shared Parenting." I have a document for the record. Do I submit that now?

**CHAIRMAN O'LEARY:**

Yes, would you, please.

**MR. FISCHER:**

This is for the committee. This is for the record. This includes some documents which will •• are copies of the Penal Code to be of aid to your Legislative Assistants. Basically, I'm here to request that this committee create a resolution to further dissuade perjury in all forms, especially perjury before Suffolk County Courts. Perjury is a source of great wasted money by the County that judges are not admonishing suspected perjurers, that prosecutors do not file charges of perjury when they know perjury exists, wastes thousands of hours of court time, which is very expensive in both plant and court staff, stenography, ancillary costs, it's tremendously expensive. Just to enforce existing Penal Code on perjury would save the County millions of dollars. I'm suggesting that a brochure be created by the courts and put out in the public infection kiosks on perjury and on the penalties of perjury. That's it. Thank you very much.

**CHAIRMAN O'LEARY:**

Thank you, sir. The next speaker is Joyce Rosenthal. Good morning.

**MS. ROSENTHAL:**

Good morning. I'd like to thank the members of the committee for giving me the opportunity to speak before you. I'm Joyce Rosenthal, I represent the League of Women Voters of Suffolk County. We are interested in the new voting machines that you are going to all have to purchase shortly. After the 2000 election, Congress passed the Help America Vote Act, commonly known as HAVA. All voters were to have new voting machines by 2005. Extensions were granted until 2006.

This spring, the New York State Legislature voted to have each Board of Election, each of the local Boards of Election, chose the voting machine to be used in their jurisdiction. We, of course, are interested in the voting machines that are going to be used by the Board of Elections of Suffolk County. Note that the federal •• the Federal Government will give a great deal of money to the individual states provided they meet the deadline, which is January, 2006, which as you know is only •• what is it •• six or eight weeks away, so we have to move quickly on this.

New York State Law requires that a voting machine have a full face ballot and a variable paper backup to be used in case a recount is necessary. A full •faced ballot is what we are all familiar with. We've always gone into •• if you always lived in New York State, obviously you live there now •• you've gone into the voting machines, you look up at the back of the voting machine, and everything that you're going to vote on is in front of you, you do not have to turn a page. That is New York State Law.

The Board of Election of New York State must certify the machines that will be purchased by the local Boards of Election. There are only two types of machines that meet the needs of the New York State requirements. There is the Direct Recording Electronic Machine, commonly known as a DRE, and the Optical Scan Machine. The League of Women Voters of New York State strongly advises the Boards of Election to choose the Optical Scan Machine. It provides a full•faced ballot and a paper backup.

The law requires that there be one handicapped accessible machine, new type machine, in each polling place by the 2006 election, which would be next fall. All lever type machines must be replaced by the 2007 election. The League of Women Voters of Suffolk County strongly encourages you to advise the Suffolk County Board of Election that the machine to choose is the Optical Scan Voting Machine. They are what is known as SARA, Secure Accurate

Reliable and Accessible. Thank you.

**CHAIRMAN O'LEARY:**

Thank you very much. Next speaker is Bret Evans.

**MR. EVANS:**

Good morning, Legislators and Counsel to the Legislature. Thank you. My name is Bret Evens, I'm from Southampton. I don't see my Legislator here today, Mr. Schneiderman.

**CHAIRMAN O'LEARY:**

He's not on this committee, sir.

**MR. EVANS:**

Okay. Thank you. I have put together testimony I'm going to start reading. "To all Suffolk County Legislators, Wade Horn, Assistant Secretary of the Health and Human Services describes the huge social cost of family breakdown and the benefits to children and society of marriage." He points out that his agency spends \$46 billion each year on programs, that's \$46 billion. He point out his agency spends this money because of the need for which is either created or exacerbated by the breakup of families and marriages.

He rightly argues that we need to address this costly family breakdown

problem. Dr. Horn provides a good example of how a federal program can be altered to become much more socially productive. Our welfare system used to be the major direct cause of family breakdown or non formation. We used to pay poor mothers not to work. With welfare reform, we changed this system to allow them to work. As he noted, this system change •• this change in the system has been a huge success. Our welfare rolls have decreased and child poverty has declined.

Similarly, political courage will be needed to address the other known political problems, programs and policies that are undermining marriage. These include: The states have failed since 1960 to treat marriage as a real contract. Currently anyone who wants out of a marriage can unilaterally end it without penalty. This is not what was intended when marriage vows were changed in the 1970s. No fault divorce was to be allowed only when both parties agreed to it. This would have made marriage much more like a real contract with less interference by the state in the matter of its ending.

Instead, marriage has become a non contract with no protection for those who invest in it. Federally funded state child support systems set excessive awards and penalize nonpayment harshly, even when the circumstances for nonpayment are clearly outside of the control of the payer. Child support awards are so high that children have become profit centers for middle class divorcing moms, an additional financial incentive for them to divorce. As Kimberly Folse and Hugo Varela•Alreaz write in the Journal of Socio •Economics, strong enforcement may lead to the unintended consequence of increasing the likelihood of divorce. Is it any surprise that the divorce in families with children is almost entirely instituted by moms? A man in his right mind would ••

**CHAIRMAN O'LEARY:**



Please sum up, sir. Thank you.

**MR. EVANS:**

The US Department of Health and Human Services data on child abuse shows that over twice as many children, 40.8%, are battered by their mothers as by their fathers. Likewise, the number of children killed by their mothers without the father's involvement in the children's lives is double the number killed by their fathers. Every year there are 830,000 male victims of domestic abuse in the United States. According to ••

**CHAIRMAN O'LEARY:**

Sir, I'm going to ask you to please summarize. Thank you.

**MR. EVANS:**

Yet men who are victims of domestic violence are turned away every day in Suffolk and Nassau Counties. Domestic violence services are publically funded with my tax dollars, and I want the same treatment and the same service available to me that any other victim has, nothing more and nothing less.

**CHAIRMAN O'LEARY:**

Thank you very much, sir.

**MR. EVANS:**

I have 18 copies to send out. If I could have one of mine stamped that it was received.

**CHAIRMAN O'LEARY:**

Your statements will be transcribed into the minutes of this meeting.

**MR. EVANS:**

Thank you.

**CHAIRMAN O'LEARY:**

Judie Gorenstein is next. Before you start, ma'am, I just want to point out, I don't know if those advocates for a resolution regarding domestic violence, it's not on this agenda of Ways and Means. Are you aware that it's on the agenda of health and Human Services, which is the next committee that follows Ways and Means? Is there a general spokesperson for the group advocating reform for domestic violence. I'm sorry ma'am, I'll be right with you. I just want to clarify something. There's nothing regarding this matter on our agenda today. There is a resolution that's before the Health and Human Services Committee regarding domestic violence.

**MR. MCGRATH:**

Right, but the statements that I had made previously, although they may have circled that wagon to some extent, they're primarily concerned with false reports and Orders of Protection.

**CHAIRMAN O'LEARY:**

I just wanted to point out that •• are you going to speak again before the Health and Human Services Committee.

**MR. MCGRATH:**

I may consider it now that you just brought that to light. I appreciate that.

**CHAIRMAN O'LEARY:**

Thank you very much.

**MS. KNAPP:**

May I also add, the bill that is before Health and Human Services cannot be voted on, the Domestic Violence Bill, and it will be the subject of a public hearing at the General Meeting to be held Tuesday here in Hauppauge. So to the extent that people have limited time, it would be best spent at the public hearing, which will be held on Tuesday.

**MR. MCGRATH:**

Okay. Can I ask one other question? Do you have a general committee chair of head person that I can contact their office at another time not to inconvenience your time here today and the other committee time to discuss necessary steps that we need to take to present this resolution to you to get

it on the floor where we can debate it to some length?

**CHAIRMAN O'LEARY:**

Your concerns are commingled, sir, with the Public Safety Committee as well as the Health and Human Services Committee. So I suggest you contact the chairs of both those committees.

**MR. MCGRATH:**

And they would be?

**CHAIRMAN O'LEARY:**

Two outgoing Legislators; Legislator Carpenter and Legislator Tonna. So I would think that you should wait until after January 1st to find out who the new chairs are to advance your initiative.

**MR. MCGRATH:**

Okay. Thank you.

**CHAIRMAN O'LEARY:**

Thank you. I'm sorry for that delay. The next speaker is Judie Gorenstein.

**MS. GORENSTEIN:**

And I'm from the League of Women Voters of Suffolk County. You all have a copy of what I'm going to read. The Optical Scanner is not only secure, accurate, reliable and accessible, it is also easier to use and less confusing than the DREs, especially for our senior citizens. The Optical Scanner is cost effective. The estimates for each Optical Scanner range from 5000 to \$5500. The cost of each handicapped accessible voting machine, which must be accessible at each voting station is approximately \$7500.

According to the Suffolk County Board of Elections, there were 351 polling stations and 1416 lever machines used in the last election. Only one Optical Scanner and one handicapped accessible machine would be required for most polling stations. Using the \$5000 estimate for each scanner and the cost of each handicapped accessible voting machine, the cost of purchasing just the two machines for each polling station in the County would cost approximately \$4,387,500. If the County decides instead to buy the DRE machines, the cost for replacing each lever machine with a DRE machine would cost about \$10,620,000. Now, I'm using the cheapest price that we've gotten for the DRE machines of \$7500. The prices range from 7500 to 11,000.

The cost for the purchase of Optical Scanners is significantly less than half the cost of the DREs. Using the numbers I have used, Optical Scanner would cost \$6,232,500 less than the purchase of the DREs. It is obvious why companies are pushing for you to purchase the DREs. The County must decide by January of 2006 which voting machine it will use to replace our current machines in order to get its share of the 220 million HAVA money. No one knows how much we will get towards the purchase of machines and the training of coworkers. Perhaps all the money we do spend will come from the Federal Government. But wouldn't it be advisable to be financial prudent? Why would we not want to buy machines that are more secure, accurate, reliable and accessible?

In addition to the initial cost of the voting machines are the maintenance, transportation and storage costs. These costs actually will be paid for by our County. Many more DREs would be needed than the required number of Optical Scanners. They are more delicate, implying their transportation, maintenance and storage would be more costly. The opponents of the Optical Scanner always bring up the cost of purchasing the paper ballot each voter will need.

**CHAIRMAN O'LEARY:**

Please sum up. We have a copy of this, and this will be transcribed in totality by the stenographer, so if you could please sum up, please.

**MS. GORENSTEIN:**

Okay. The League of Women Voters has been strongly opting for Optical Scanners because they are secure, accurate, reliable and accessible. They are also obviously far more cost effective. Why would Suffolk County not choose them?

**CHAIRMAN O'LEARY:**

Thank you very much. Ruth Regan, League of Women Voters.

**MS. REGAN:**

Yes, sir. My name is Ruth Regan, and I am speaking for the League of Women Voters, which as you now know, recommends the purchase of Optical

Scanners over Direct Recorded Electronic machines. My specific concern is the reliability or lack thereof of the different machines. What would happen in the event of power failure? With an Optical Scanner, there would be just a little delay. With a DRE, there would be lost data.

Would we have to have a new election? Would we have to have a recount? How about the cost of programming all these greater than 300 different machines, because every election district has a different group of candidates on any one occasion. Is there a programmer who never makes a mistake? Could we have enough to program over 300 machines? How much would they cost, good high quality programmers who could do it accurately? How about the reliability of the hardware?

Have you ever been at a store or an office, "I really can't help you right now because our computers are down, could you call tomorrow"? What would happen on Election Day in such a very likely event, maybe not across the board, but in certain situations? The cost of maintaining the machines also is considerable. The DREs have to be kept in a climate controlled place, because as you know, computers are very sensitive. Anyway, so, before the buzzer goes off, may I ask you to please seriously consider ••

**CHAIRMAN O'LEARY:**

You have a full minute to go.

**MS. REGAN:**

I would seriously beg you to consider all the many advantages of Optical Scanner over Direct Recorded Election machines. Okay. Money talks. Thank

you.

**CHAIRMAN O'LEARY:**

Thank you very much. The next speaker is Bill Kirchoff.

**MR. KIRCHOFF:**

I'll defer to the Health and Human Services Committee.

**CHAIRMAN O'LEARY:**

Thank you very much, sir. Mason Haas to speak on title examiners, 2134 before us today.

**MR. HAAS:**

I would ask if it's possible that both Pete Cheney and I could come up and sit at the table to go over this with you.

**CHAIRMAN O'LEARY:**

Pete Cheney is the next speaker, so, okay, I'll allow that. And by prerogative of the Chair, we have three minutes, I'll give you four minutes. The clock will start when you start speaking. This is a public portion, and you are limit to a comments •• there's a time constraint placed upon those who come before us. Because there's two of you coming up, as I said before, you would of had three each. Through the prerogative of the Chair, I'll give you four.



**MR. CHENEY:**

I'll go ahead and start. We're here for the resolution IR 2134•05, which was a moratorium on a price increase for the title examiners. The handout you have will be covered by Mason. We have pages numbered one through 12, there are obviously many more pages, but those are the ones we feel pertinent.

The main reason we are here to ask for your help is that we have tried to negotiate with the County Exec's Office and DPW to reach a fair agreement. It has not been the case. We have not been able to get the figures until just recently through the Freedom of Information Act on how they arrived at their cost. That's what you have before you. Since we have that and we point out and will each individual flaw within the reasoning, I would just generally say that it's flawed because you will find that no one has ever come out and discussed with any of us. It is also pure guesswork on the square footage. The only thing that they have correct is the hours worked.

We are also being charged for the use of the cafeteria, which is, if I'm not mistaken, handled by the Commission on the Blind. We are being charged to use the Surrogates Court area, which is only open from 9:00 a.m. to 4:00 p.m., which is what the public can access as well. For the main reason, again, that we're here asking for help is that we can have a meaningful dialog amongst all the parties concerned to arrive at something that will be fair, not only to the title examiners, but also to the taxpayers of Suffolk County.

**MR. HAAS:**

In the handout we have passed out to you, we ask that you turn to the letter marked page one. The letter is between •• is from Kathy Moller from DPW to Al Kovesdy of the Budget Office. In this letter dated May 27th, paragraph one, Mr. Kovesdy states, "This was difficult for him who is unfamiliar with the title examiners' operation to determine if it was useful or not," and that was in response to a question from DPW. If you look at paragraph one, you can follow it through, and I'd ask that you •• if you don't have the time to take a look at it now, when you guys go back, please review that.

Paragraph two, note his figures of 70,987 square feet being the total from the County Clerk and Surrogates. He states he ends up deducting the known unused space from the net space to get 47,073 square feet. The use of Surrogates Court should be excluded from the figures, as Surrogates, which is state court is not open before nine and after, and they want to charge for the four hours before and after nine •• and after five.

While we're here, I would like to point out •• the figure was used on page two, the following page, calculations, that is noted as net usable space. After that note, please, if you would go to page six, which is a handwritten calculation that we received that states that Duffy wants close to \$7000 at \$600 a month. The reason I ask that you see that, I ask that you now go to page three. If you notice the net usable space has now changed from 47,000 to the full 70,000.

**CHAIRMAN O'LEARY:**

All right. This, sir, is the public portion, and we are limited •• it's not an official presentation, so •• but to extend ••

**MR. HAAS:**

Can we come back when you bring this •• • will this be brought up, then we can come back and talk?

**CHAIRMAN O'LEARY:**

To extend your time, I'm going to recognize Legislator Kennedy, who will ask you some questions.

**LEG. KENNEDY:**

Thank you, Mr. Chair. As the sponsor of this resolution •• what caused me to go ahead and introduce it was the concern I had from not only you two gentlemen, but other folks who reached out to me saying that the process that was going on as far as dialog between the title examiners and County Executive's Office was not •• was not taking into account, I guess, all the issues that you had, and there was a difficulty in understanding where the logic and rational was coming from. This letter that you're walking us through, when did you receive this?

**MR. HAAS:**

We just received this the day before yesterday. If you notice, the request for Freedom of Information was dated back on August 5th.

**LEG. KENNEDY:**

You filed a FOIL on August 5th?

**MR. HAAS:**

August 5th, the request was in, the acknowledgement of that FOIL was in October, that the foil had finally been approved almost three months •• two months later, I'm sorry, but the information was not received until after election time.

**LEG. KENNEDY:**

When was the last time you had any kind of dialog with the administration as far as what the •• the current proposed license fee is?

**MR. HAAS:**

We sat with them Tuesday. However, it more or less started off as this is what it's going to be, and, you know, that's it. And we explained •• that is when we were asking questions because the calculations that they were coming up with •• we're currently \$33 a square foot for the cubicle rooms. That's what it breaks down to. It's \$166,000. And that's •• that \$33 figure is based upon what they are stating the room as being the size of, forty•nine twenty. The second set of maps I gave you will give you the square footage of the two rooms. I believe it's E and C, they're marked on top, the cubicle rooms. Cubicle Room 1 and Cubicle Room 2, if you add those two figures together, it's forty three something.

**LEG. KENNEDY:**

What is •• what are you being ask to go ahead and enter into as far as the new cubicle license fee for •• I guess, the new period would begin in January

of '06?

**MR. CHENEY:**

Right. That would be \$600 per month. We don't have a copy of the license agreement in front of us not because we haven't signed it. That also includes any cost that they may incur that they can add at some point in time.

**MR. HAAS:**

The double cubicles are being charged \$1200 a month. If I might point out •

**LEG. KENNEDY:**

Doubles are minor though. I mean, there's only four doubles, four or five doubles. The lion's share is single cubes.

**MR. HAAS:**

Yeah.

**LEG. KENNEDY:**

Okay. What •• approximately what kind of percentage increase are you looking at from where you are at now at the \$33 a square foot to the proposed 600 in January?

**MR. HAAS:**

All along, the resolution from the very start has had a two and a half percent built in increase, which is what we recommended back in 1997.

**LEG. KENNEDY:**

That I understand, as far as a cost of going forward. But based on the fact that the administration has decided to go ahead and restructure or reconstitute the license, which to a certain extent is their prerogative, I'm just •• what I'm trying to get at is what is the percentage increase that you are looking at at this point approximately? Is it a 50%, a 70%?

**MR. CHENEY:**

It would be based upon approximately •• we're paying almost 2000 a year at this point in time.

**LEG. KENNEDY:**

And at \$600 a month, you'd be going to what, 7200?

**MR. CHENEY:**

We also have the ability to print in our own cubicles with our own printers, which is a correlated issue. We would be willing •• since we were told that we cannot use our printers anymore, we would be using the County printers

at 25 cents a page, we would be willing to go to 300 a month, which is a 50% increase.

**LEG. KENNEDY:**

That I understand, and this is not the purpose here now at this point as to actually go ahead and entertain some kind of specific negotiation. All I'm trying to do is just frame the parameters. And what it appears is you're saying at this point that if you're at two grand a year now, you are being asked to go 7200, you're looking at for all intent and purposes about a 300% increase that you're being asked to absorb come January? Is that a fair summary?

**MR. CHENEY:**

That's correct.

**LEG. KENNEDY:**

And despite the fact that that's where it sits now, there's been some contact with the administration, but there's been no meaningful movement as far as addressing the percentage of that increase.

**MR. CHENEY:**

Correct.

**LEG. KENNEDY:**

So therefore, it sounds like there remains some rational or value or merit to go ahead and have a group appointed to look at what the magnitude of this is at this point.

**MR. HAAS:**

We are in total agreement.

**CHAIRMAN O'LEARY:**

Which is the intent of the resolution. I would caution you not to get into specifics of the negotiations, what you are willing to take and give or whatever, because this is a public record.

**MR. HAAS:**

No problem.

**CHAIRMAN O'LEARY:**

All right. So I thank you for coming here today. This resolution will be on the agenda, and hopefully we will have enough votes to move out of committee, and it will be addressed before the full body on Tuesday. And with the understanding that the intention of this is to place a moratorium on the fee increase for the purposes of having the parties involved sit down and negotiate what is stated by you as a more reasonable compensation package.



**MR. HAAS:**

Very well. Thank you.

**CHAIRMAN O'LEARY:**

Thank you, sir. Is there anyone else wishing to come before the committee to speak on the public portion? If not, we will go to the agenda.

### ***TABLED RESOLUTIONS***

**1777, adopting Local Law, a Charter Law to prohibit campaign contributions from contractors doing business with the County of Suffolk (CARACCIOLO).**

**CHAIRMAN O'LEARY:**

Motion to table by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? 1777 is **TABLED. (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**1778, adopting salary plans for employees who are excluded from Bargaining Units (O'LEARY).**

I'm going to make a motion to approve, seconded by Legislator Losquadro. On the question of the motion to approve?

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN O'LEARY:**

Mr. Kennedy.

**LEG. KENNEDY:**

I'm prepared to go ahead and vote in the affirmative for this resolution today to move it out of the committee for purposes of facilitating discussion before the full floor.

**CHAIRMAN O'LEARY:**

Thank you very much. Mr. Zwirn, you care to comment on 1778?

**MR. ZWIRN:**

Just briefly. I know that there's competing resolutions here, the County Executive has one. With respect to a very practical matter, the budget only provided funding for the County Executive's plan. So in a very tight budget there would be no money to fund this.

**CHAIRMAN O'LEARY:**

I'm certain if we're successful in passing this initiative, the money will be found for purposes of paying the exempt employees the appropriate compensation due them. Care to comment any further?

**LEG. LOSQUADRO:**

What do you say to that?

**CHAIRMAN O'LEARY:**

We always have a way of finding some monies.

**MR. ZWIRN:**

I'd say •• well, look, you have to understand, there are a lot of people who •• you know, who are on one side of the street or the other, you know, like your bill because it personally helps them, but from a practical matter, the County Executive has a, you know, very strong position and he has funded that. The Legislature didn't take the opportunity during the •• during the omnibus to fund this.

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Through the Chair, Mr. Zwirn, perhaps we could use 477.

**MR. ZWIRN:**

Well, the Legislature has been reluctant to use that for salaries on any grounds, even in the environmental field. Are you changing your position now?

**LEG. LOSQUADRO:**

No.

**CHAIRMAN O'LEARY:**

We discussed the pros and cons of this particular initiative, and I think it's about time it be moved before the full body to move either up or down on it, hopefully it will be up. And I'm prepared to articulate before my colleagues the merits of this particular resolution. Mr. Tempera.

**MR. TEMPERA:**

Legislator O'Leary, if I may. I think I spoke before you three months ago back in the beginning of August on this bill, pointed out several aspects that I felt were at odds with the County Exec's bill, and I just wanted to briefly summarize, you know, the differences.

**CHAIRMAN O'LEARY:**

Please.

**MR. TEMPERA:**

Again, I think what the major difference you are looking at is the steps. You're looking at steps equivalent to 4.4%, plus ••

**CHAIRMAN O'LEARY:**

Effective July of '06.

**MR. TEMPERA:**

Effective July of '06. So through the life of the bill, you're talking about individuals receiving a 7.4% increase a year versus the 3% or 7.65% increase. The other differences in the bill deals with the College personnel. And obviously, I put on the record last time, the College personnel received raises during the '04•'05 college year equivalent to some people, 21,000, \$15,000, \$10,000, and this is in a matter of speaking, double dipping.

**CHAIRMAN O'LEARY:**

In other words, more of a catch•up provision in the passage of the resolutions in those compensations.

**MR. TEMPERA:**

Call it what you may. They received salary during '04•'05 in the amounts varying, but I think the highest was 21,000, 15, 10, all sorts of high numbers to compensate them during that period of time.

**CHAIRMAN O'LEARY:**

Had they received compensation comparable in previous years?

**MR. TEMPERA:**

Excuse me?

**CHAIRMAN O'LEARY:**

Had they received compensation comparable in previous years?

**MR. TEMPERA:**

They were paid in accordance with the management salary plan in previous years. If someone was not receiving a salary in accordance with that salary plan, they should have come to me and said, "I'm not getting the right salary." But ••

**CHAIRMAN O'LEARY:**

Perhaps they did, and they weren't listened to.

**MR. TEMPERA:**

That's possible. But this is •• and the resolution, as I recall, paid them during the '04•'05 school •• school year and gave them these lump sums payments, and now we're paying them again 1925 plus 3% effective 1/1/05. The County Exec's resolution recognizes that they were paid during the '04 •'05 school year and gave them a salary increase of 3% effective September 1, '05. They get another 3% increase effective January 1, '06 and further. The other point deals with the College President where the County Exec's ••

**CHAIRMAN O'LEARY:**

That's a contract, is it not?

**MR. TEMPERA:**

Excuse me.

**CHAIRMAN O'LEARY:**

Isn't that a separate contract?

**MR. TEMPERA:**

Well, that's exactly the point. There's a separate contract that it seems the Legislature is giving up complete oversight over. The College President has a contract to, I believe, August 31st, '06. The County Exec's resolution allowed the board at the College to continue the contract and grant the raises through August 31st, '06, but thereafter, the College President would get the raises in accordance with the management salary plan. It just seems to me some that there should be some oversight with regards to whatever is being negotiated by the Board of Trustees through the Legislature and the County Exec when it comes to salaries with the President.

**CHAIRMAN O'LEARY:**

Thank you very much, Mr. Tempera. Let me just ask you the differential, if you will, between exempt employees' benefits package with respect to accrual of sick time, vacation, compensatory time and overtime as compared to their counterparts who are represented by bargaining units.

**MR. TEMPERA:**

There are •• and again, I don't think this bill •• either bill makes any changes in the ••

**CHAIRMAN O'LEARY:**

It does not. However, are exempt employees allowed to accrue compensatory time?

**MR. TEMPERA:**



No, they are not.

**CHAIRMAN O'LEARY:**

Do exempt employees get overtime?

**MR. TEMPERA:**

They do not.

**CHAIRMAN O'LEARY:**

Are exempt employees allowed to accrue sick time and vacation time less than their unionized counterparts?

**MR. TEMPERA:**

They accrue up to ••

**CHAIRMAN O'LEARY:**

Do they accrue less?

**MR. TEMPERA:**

Not in all cases, absolutely not.

**CHAIRMAN O'LEARY:**

No? Can you give an example of that, please.

**MR. TEMPERA:**

Sure. Someone who starts with the County today is getting ten vacation days where if they're with AME, they're going to accrue that time over the course of a year. Someone who's with the County ten years is going to get 20 vacation days under the current procedure. They're allowed ••

**CHAIRMAN O'LEARY:**

How about sick time?

**MR. TEMPERA:**

Sick time, they get three days less. They get ten days per year.

**CHAIRMAN O'LEARY:**

All right. So they do get less. What about the management salary plan, is it less than the union •• than the union salary plan?

**MR. TEMPERA:**

It is below the comparable grade ••

**CHAIRMAN O'LEARY:**

It's less.

**MR. TEMPERA:**

•• and salary of the union salary plan. That's correct.

**CHAIRMAN O'LEARY:**

So we have established that ••

**MR. TEMPERA:**

But again, I don't think anything that you proposed is going to change that.

**CHAIRMAN O'LEARY:**

We've established that exempt employees clearly have a different benefits package, if you will, than their union counterparts, that they don't get

overtime, they don't get compensatory time ••

**MR. TEMPERA:**

They're management employees.

**CHAIRMAN O'LEARY:**

Absolutely.

**MR. TEMPERA:**

They do the job until the job is done.

**CHAIRMAN O'LEARY:**

Did they at one time, sir, have steps?

**MR. TEMPERA:**

They at one time had steps.

**CHAIRMAN O'LEARY:**

And why was it taken away?

**MR. TEMPERA:**

Back in the mid '80s •• up until about the mid '80s they had steps.

**CHAIRMAN O'LEARY:**

And why were they taken away?

**MR. TEMPERA:**

It was the decision of the County Exec and the Legislature that employees in the management salary plan should not get double increases.

**CHAIRMAN O'LEARY:**

Was there a similar type decision with respect to union employees with regard to the steps at that time?

**MR. TEMPERA:**

There has been similar negotiations with the unions, each and every contract to eliminate steps.

**CHAIRMAN O'LEARY:**

During that period of time when step increases were taken away from exempt employees, were step increases taken away from AME employees.

**MR. TEMPERA:**

I think the best we did was we were able to freeze the starting salary at times with the AME.

**CHAIRMAN O'LEARY:**

All right. So you froze it. During that period of time when this initiative was undertaken, it was clearly acknowledged that the County had some fiscal troubles, would you agree to that?

**MR. TEMPERA:**

At varying time, back when it was first established, back, I believe, in '89.

**CHAIRMAN O'LEARY:**

Would you agree that the times have changed with respect to the County's fiscal situation compared today as it was 15, 17 years ago?

**MR. TEMPERA:**

I'll defer to the Budget Office on that.

**CHAIRMAN O'LEARY:**

Yeah, well, then we get no answers there at all. But clearly, clearly, this is an initiative that in my mind is a question of fairness and equity. The exempt employees have, in my opinion, based on my background, been discriminated against with respect to these step increases. They have a different benefits package, understandably, understandably, than the unionized employees. However, across the board, it's clear that the management exempt employees get less in salary, less in accruals, no overtime, no compensatory time, and oftentimes, they're asked to work much more in excess of eight hours a day. And I point out in particular the ADAs in the District Attorney's Office sometimes go 12 or 14 hours a day, they don't get overtime, they don't get compensatory time. And the District Attorney himself is one of strongest supporters and advocates of this initiative.

So again, it's a question of fairness and equity. It was taken away some 15, 17 years ago. Everyone else who was impacted during that fiscal constraint under County Executive Halpin has been made whole one way or the other. The step increases were unfroze, the ten day lag has been compensated for, the unions ••

**MR. TEMPERA:**

I'll disagree with you there.

**CHAIRMAN O'LEARY:**

Fine.

**MR. TEMPERA:**

Not everyone has been whole with regards to the ••

**CHAIRMAN O'LEARY:**

Ten days?

**MR. TEMPERA:**

Correct.

**CHAIRMAN O'LEARY:**

Well, when you leave service you're made whole, are you not?

**MR. TEMPERA:**

The furlough time •• the management employees lost their furlough time ••

**CHAIRMAN O'LEARY:**

I'm talking about unionized employees, are they not made whole?



**MR. TEMPERA:**

Well, you said everyone was made whole.

**CHAIRMAN O'LEARY:**

I'm talking about the difference in the benefits package between exempt employees and unionized employees. Are unionized employees made whole?

**MR. TEMPERA:**

The unionized employees were made whole with ••

**CHAIRMAN O'LEARY:**

With respect to the ten day furlough?

**MR. TEMPERA:**

•• regard to the lag payroll, correct.

**CHAIRMAN O'LEARY:**

Are the exempt employees being made whole with respect to the ten day furlough?

**MR. TEMPERA:**

With regards to the ten day furlough, correct.

**CHAIRMAN O'LEARY:**

They are being made whole?

**MR. TEMPERA:**

Yeah.

**CHAIRMAN O'LEARY:**

So that's contrary ••

**MR. TEMPERA:**

Well, no. Again, I don't know if you remember the period of time. There were five furlough days and there was the lag payroll.

**CHAIRMAN O'LEARY:**

Right.

**MR. TEMPERA:**

The five furlough days proceeded the lag payroll.

**CHAIRMAN O'LEARY:**

And I also recall during that period of time ••

**MR. TEMPERA:**

I think police were exempt from the five furlough days so maybe that's why you don't remember.

**CHAIRMAN O'LEARY:**

And justifiably so, I might add. Is there not •• was there not a period of time there were 15 months of zero increases as well?

**MR. TEMPERA:**

It was varying amounts. There were ••

**CHAIRMAN O'LEARY:**

Yes. So clearly, clearly, there were concessions, if you will, made by the unionized •• the union employees with respect to these fiscal constraints. And for the most part, they've all been made whole over the years. The one thing that never occurred, the one thing that never occurred when the step

increases •• exempt employees had step increases at one time, and it was under these conditions that it was taken away. Never has there been an attempt to make them whole with respect to step increases.

**MR. TEMPERA:**

All I can tell you, Legislator O'Leary, is there have been resolutions that have come before this Legislature. Every couple of years, whenever the salary plan has been extended and put before here, it has been the policy of the County Executive and the Legislature to adopt the salary plans without containing steps.

**CHAIRMAN O'LEARY:**

Yeah, and I'm looking to change that.

**MR. TEMPERA:**

I understand.

**CHAIRMAN O'LEARY:**

What about payouts when they leave service? Is there a differential different between management exempt and the union employees?

**MR. TEMPERA:**

Well, only as to the caps on the •• • on the ••

**CHAIRMAN O'LEARY:**

So clearly, clearly, clearly, there is a major difference between the compensation paid to exempt employees. It's less by your own statement. It's less than those individual employees who are •• who are represented by bargaining units. There's a major differential between accruals. And one of the major packages •• points is that they do not get overtime, they do not get compensation •• compensatory time for working with excess of a normal seven, eight hour workday.

**MR. TEMPERA:**

Well, again, if you recall where 659 of '88 came from, it was, I believe, Legislator Rizzo who put the resolution forward and made the statement ••

**CHAIRMAN O'LEARY:**

Legislator Rizzo.

**MR. TEMPERA:**

Yeah.

**CHAIRMAN O'LEARY:**

Yeah, I remember that well.

**MR. TEMPERA:**

Time and time again, they are management employees, and they are not the same as the union, they should not get that same benefits as the union.

**CHAIRMAN O'LEARY:**

And they do not get the same benefits, sir. That's the point. The point I'm trying to make is that they do not get the same benefits as their union counterparts.

**MR. TEMPERA:**

And that was the policy decision of the Legislature and County Executive.

**CHAIRMAN O'LEARY:**

But would you agree that at one point in time they were getting step increases?

**MR. TEMPERA:**

I think that's a matter of record.

**CHAIRMAN O'LEARY:**

Okay. Fine. Fine. Any questions? Legislator Losquadro?

**LEG. LOSQUADRO:**

No.

**MR. TEMPERA:**

You are going to miss this.

**CHAIRMAN O'LEARY:**

I'm going to what?

**MR. TEMPERA:**

You're going to miss this.

**CHAIRMAN O'LEARY:**

You know, I'll be around somewhere.

**LEG. LOSQUADRO:**

Just for that, maybe I will pick up the torch.

**CHAIRMAN O'LEARY:**

Thank you. Someone has to.

**LEG. LOSQUADRO:**

I think •• through the Chair, I think it's clear what Legislator O'Leary is saying, and we're circling the point here, and the point is that the compensation is different. And this bill seeks to alleviate some of that difference by simply providing increased salary through steps. None of the other factors changes. The exempt employees still do not make out as well when it comes to accruals, payouts, all the other factors that they are denied because they are not part of the bargaining units. This simply attempts to level the playing field somewhat through the salary plan.

**MR. TEMPERA:**

It affects some of the management employees, and I don't have the numbers in terms of how many employees are in step and how many employees are at top step, but it does provide for steps for employees who are within the step system and provides for double increases during the year for those employees, absolutely.

**LEG. LOSQUADRO:**

We have been over this already, we're repeating ourselves.



**CHAIRMAN O'LEARY:**

Yeah, exactly. That's my point. We're beating this thing.

**MR. TEMPERA:**

My intent was just to remind everyone of my comments back in August.

**CHAIRMAN O'LEARY:**

Your attempt was to aggravate me, that's what it was.

**MR. TEMPERA:**

Was I successful?

**CHAIRMAN O'LEARY:**

No. Not at all. Mr. Zwirn, do you care to comment before we vote on this resolution?

**MR. ZWIRN:**

I'm done.

**CHAIRMAN O'LEARY:**

You're done? No. No, I'm done. Okay. On 1778, there's a motion to approve by myself, seconded by Legislator Losquadro. All those in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Abstain.

**CHAIRMAN O'LEARY:**

One abstention. Legislator Montano abstains.

**APPROVED. (VOTE:3•0•1•1 • Not present: Legis. Mystal)**

Prior to going to **1783, adopting salary plans for employees who are excluded from Bargaining Units (COUNTY EXEC)**, it's the prerogative of the Chair, as limited as that might be in the short period of time, we're going to try to move, at my urging, 1778 before the full body. And in the event that the anticipated veto is not overridden, we will move on 1783, so certainly, the exempt employees can receive some sort of compensation whether it be just or unjust in the future. So with that in mind and with the understanding that we have a couple of General Meetings before the end of the year and at least two more Ways and Means Committee Meetings, I'm going to move to table 1783. I make a motion to table by myself, seconded Legislator Losquadro. On the question of the motion to table? All those in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Abstain.

**CHAIRMAN O'LEARY:**

One abstention. 1783 is **TABLED (VOTE:3•0•1•1 • Abstention: Legis. Montano • Not present: Legis. Mystal).**

Did you care to speak on any other resolution so you don't have to come back up?

**MR. TEMPERA:**

I have no problem coming back up, because there's two other resolutions, yes, 19 ••

**CHAIRMAN O'LEARY:**

You have no problem coming back up? Okay. I'll see you later. I gave you an opportunity to speak now, but you wanted to come back up.

**MR. TEMPERA:**

When you get to the resolutions ••

**CHAIRMAN O'LEARY:**

When we get to them, you can speak on them. Thank you very much, Mr. Tempera.

**MR. TEMPERA:**

Always a pleasure.

**CHAIRMAN O'LEARY:**

It has been. **1817, establishing an Application Fee Waiver Policy for Civil Service Examinations (BISHOP).** Motion to table by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1817 is **tabled.** **(VOTE:4•0•0•1 • Not present: Legis Mystal)**

**1820, adopting Local Law, a Local Law to extend and further strengthen The reporting for the Anti•Nepotism Statute (CARACCILO).**

Motion to table by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1820 is **tabled.** **(VOTE:4•0•0•1 • Not present: Legis Mystal).** I make note of the fact that public hearing on 1820 was closed on August 23rd.

**1867, establishing a policy and procedure for the naming of County facilities (COOPER).**

I think it would be •• perhaps the new Legislature should address this at a later date, after January 1st. Motion to table by myself, seconded by Legislator Kennedy. On the question of the motion? All those in favor? Opposed? Abstentions? 1867 is **TABLED (VOTE:4•0•0•1 • Not present: Legis Mystal).**

**1959, adopting Local Law, a Local Law to require that certain employees only use County vehicles while conducting County business (LOSQUADRO).**

Legislator Losquadro.

**LEG. LOSQUADRO:**

While I would love to entertain another discussion with the tag team, and it seems to have grown now, unfortunately I have not had time during the bust campaign season to address some of the notes from our last discussion, nor have I received any input back on the questions that I raised from the members of this panel that seem so eager to question me. So I will be in touch with each of the members of this panel before us. I will reiterate my questions that I raised at the last meeting. And when we receive responses, hopefully this is something we can move forward on some fashion. So with that said, motion to table.

**LEG. KENNEDY:**

Second.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Losquadro, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1959 is **tabled. (VOTE:4•0•0•1 • Not present: Legis Mystal)**. You're going to go back to your seat now, Mr. Tempera?

**MR. TEMPERA:**

I have one more.

**CHAIRMAN O'LEARY:**

When that comes before us, you can come up. **1976, adopting Local Law, a Charter Law to transfer the print shop from the County Department of Human Resources, Civil Service and Personnel to County Department of Public Works (COUNTY EXEC)**. This matter has been addressed in the budget. Gail, would you care to comment just what was done with respect to this particular initiative in the '06 Budget?

**MS. VIZZINI:**

The Omnibus Resolution retains the print shop in the Department of Civil Service and Human Resources.

**CHAIRMAN O'LEARY:**

So, Mr. Zwirn, with that understanding, what's the position of the Executive with respect to this bill?

**MR. ZWIRN:**

I would ask for the bill to be addressed today and passed. I think the County Executive will address the omnibus in his own fashion shortly.

**CHAIRMAN O'LEARY:**

Well, in that case, I'm going to make a motion to table, seconded by Legislator Losquadro. 1976, all in favor? Opposed? Abstentions? 1976 is **tabled. (VOTE:4•0•0•1 • Not present: Legis Mystal).**

### ***INTRODUCTORY RESOLUTIONS***

**2010, authorizing certain technical corrections to adopted Resolution No. 1045•2004 (COUNTY EXEC).**

This is changing a tax map lot number. Motion to approve by Legislator Losquadro, seconded by myself and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2010 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2011, authorizing certain technical corrections to adopted Resolution No. 812•2004 (COUNTY EXEC).**

Same motion, same second and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2011 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**.

**2012, authorizing certain technical corrections to adopted Resolution No. 1169•2003 (COUNTY EXEC).**

Same motion, same second and place on Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2012 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**.

Pat Zielenski, are you here? Can you come up and assist Deputy County Executive Ben Zwirn in his duties?

We have before us **2018, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Walter J. Moloughney, Jr., as a 3/10 interest; John K. Moloughney, as a 4/10 interest; and Maureen Moloughney, as a 3/10 interest, as sole heirs at law of the estate of Walter J. Moloughney, deceased (CARACCILO).** Counsel.

**MS. KNAPP:**

This is a fairly complex family matter that's still in the Surrogates Court, but to the extent that Mr. Moloughney •• I believe that Mr. Moloughney has submitted sufficient proof of his •• of his illness, that he meets the 215 standard.



**CHAIRMAN O'LEARY:**

Okay. So then it's your recommendation move forward with this?

**MS. KNAPP:**

Yes.

**CHAIRMAN O'LEARY:**

On 2018, I'll make a motion to approve, seconded by Legislator Losquadro and place on the Consent Calender. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2027, authorizing certain technical corrections to adopted Resolution No. 525•2005 (PRESIDING OFFICER).**

Motion to approve my myself, seconded by Legislator Montano. On the question of the motion to approve and place on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 2027 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2028, authorizing certain technical corrections to adopted Resolution No. 914•2005 (COUNTY EXEC).**

Motion to approve by myself, seconded by Legislator Losquadro and place on the Consent Calender. On the question of the motion? Hearing none, All those in favor? Opposed? Abstentions? 2028 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2029, authorizing certain technical corrections to adopted Resolution No. 1020•2004 (SCHNEIDERMAN).**

Same motion, same second and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2029 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2031, Directing the County Attorney to bring a lawsuit against United States Immigigration and Customs Enforcement (CARACAPPA).**

**LEG. MONTANO:**

Motion to table.

**CHAIRMAN O'LEARY:**

There's a motion to table by Legislator Montano, seconded by myself. We have a request of the sponsor to table this for the time being. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2131 is **TABLED (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**2034, amending Resolution No. 861•2004, to modify the Town of Riverhead's intended use of property (CARACCIOLO).**

This changes the property use from affordable housing to parking purposes. Can we have an explanation on that?

**MR. ZWIRN:**

This is •• the sponsor of this is Legislator Caracciolo. The problem with this is that we have looked at it, DPW looked at it, it's for parking we thing for the Court Complex, but it's a long way away from the Court Complex. So we're not sure exactly why the Town of Riverhead is asking for this particular spot to be used instead of affordable housing for parking. It doesn't seem that it would be, you know, close enough to the Court Complex.

**CHAIRMAN O'LEARY:**

Has there been any conversation with the sponsor of the resolution with respect to your concerns?

**MR. ZWIRN:**

No.

**CHAIRMAN O'LEARY:**

Oh, I'm surprised.

**MR. ZWIRN:**

He didn't call me.

**CHAIRMAN O'LEARY:**

He didn't call you? You have the concerns, he doesn't.

**MR. ZWIRN:**

We looked at it. Normally it would just be something we would say okay, but this one just doesn't seem to make any sense.

**CHAIRMAN O'LEARY:**

All right. I'll entertain a motion to table for one cycle so we can resolve those concerns that you have. Motion to table by Legislator Montano, seconded by myself. On the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2034 is **tabled (VOTE:4•0•0•1 • Not present: Legis Mystal)**.

**2038, amending the Suffolk County Classification and Salary Plan in connection with the 2006 Operating Budget (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Explanation, please.

**MS. VIZZINI:**

These are new titles that are included by the County Executive in his Recommended 2006 Budget. It does not include any of the new titles that are in the omnibus. We have separate changes to the salary and classification plan within the body of the language of the Omnibus Resolution.

**CHAIRMAN O'LEARY:**

So this resolution has no impact or bearing on the omnibus that's before him right now?

**MS. VIZZINI:**

Well, in the case of the Director of Environmental Affairs title and the Commissioner of Information Technology, it would seem to conflict ••

**CHAIRMAN O'LEARY:**

Okay. I'm going to make a motion to table by myself, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2038 is **TABLED (VOTE:4•0•0•1 • Not present: Legis Mystal)**.

**2045, sale of County owned real estate pursuant to Local Law 13 • 1976 Antonio Casimiro and Maria Casimiro, his wife (COUNTY EXEC).**

**MS. ZIELENSKI:**

This is a direct sale.

**CHAIRMAN O'LEARY:**

Thirty•five hundred dollars?

**MS. ZIELENSKI:**

Yes. The appraisal was \$3500, the bid was 3500.

**CHAIRMAN O'LEARY:**

2045, motion to approve by myself, seconded by Legislator Kennedy and place on Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**.

**2046, sale of County owned real estate pursuant to Local Law 13  
• 1976 Tonia L. McLamb (COUNTY EXEC).**

**MS. ZIELENSKI:**

Also a direct sale for \$4060.

**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2047, sale of County owned real estate pursuant to Local Law 13  
• 1976 Arlene Mary Loughlin (COUNTY EXEC).**

**MS. ZIELENSKI:**

This is a direct sale. The appraised value is \$5750, and there was a successful bidder at 6500.

**CHAIRMAN O'LEARY:**

Good. Good. Over and above the appraisal. Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing

none, all those in favor? Opposed? Abstentions? 2047 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2048, sale of County owned real estate pursuant to Local Law 13 •1976 Curtis Mitchell (COUNTY EXEC).**

**MS. ZIELENSKI:**

Yes, a \$13,000 bid, a \$13,000 appraisal.

**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 2048 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal).**

**2049, sale of County owned real estate pursuant to Local Law 13 •1976 Ronald pierre•Paul and Guilaine C. Pierre•Paul, his wife (COUNTY EXEC).**

**MS. ZIELENSKI:**

Also this is an irregular parcel for \$4300.



**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? Hearing none, all those in favor? Opposed? Abstentions? 2049 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2050, sale of County owned real estate pursuant to Local Law 13 •1976 Prime Property 1, LLC (COUNTY EXEC).**

**MS. ZIELENSKI:**

This is a \$9000 appraisal and a \$9010 bid.

**CHAIRMAN O'LEARY:**

Ten dollars over. Great. Same motion, same second to place on the Consent Calender. On the question of the motion? All those in favor? Opposed? Abstentions? 2050 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2051,sale of County owned real estate pursuant to Local Law 13 •1976 Joseph C. Hubbard (COUNTY EXEC).**

**MS. ZIELENSKI:**

This one is just for you. It's an appraised value of \$3000 with a bid of \$15,000.

**CHAIRMAN O'LEARY:**

All right. That's much better. Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2051 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2052, sale of County owned real estate pursuant to Local Law 13 •1976 Arne H. Johnson and Dale Ketcham Johnson, his wife (COUNTY EXEC).**

**MS. ZIELENSKI:**

Direct sale, 2500.

**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2052 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2053, sale of County owned real estate pursuant to Local Law 13**

• **1976 William Redlich and Doreen Redlich, his wife (COUNTY EXEC).**

**MS. ZIELENSKI:**

Direct sale, \$4500.

**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2053 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2054, sale of County owned real estate pursuant to Local Law 13**  
**•1976 Audrey Barker (COUNTY EXEC).**

**MS. ZIELENSKI:**

This is a direct sale with a \$6000 appraisal and a \$6500 bid.

**CHAIRMAN O'LEARY:**

Same motion, same second to approve and place on the Consent Calender. On the question of the motion to approve and place on the Consent Calender. Hearing none, all those in favor? Opposed? Abstentions? 2054 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2055, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Antonio Moscatiello (COUNTY EXEC).**

**MS. ZIELENSKI:**

Yes. As•of•right.

**CHAIRMAN O'LEARY:**

As•of•right. Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2055 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2056, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Arthur Knight (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Another as•of•right?

**MS. ZIELENSKI:**

Yes.

**CHAIRMAN O'LEARY:**

2056, same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2056 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2057, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Hal Rovner (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Same motion, same second to place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2057 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2058, sale of County owned real estate pursuant to Local Law 13 •1976 Ronald Arias and Deborah Arias, his wife (COUNTY EXEC).**

**MS. ZIELENSKI:**

Direct sale for \$4500.

**CHAIRMAN O'LEARY:**

Same motion, same second to approve and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2058 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**.

**2062, amending Chapter 708 of the Suffolk County Code to clarify exemptions to procurement procedures (COUNTY EXEC).**

**MS. VIZZINI:**

Mr. Chairman.

**MR. ZWIRN:**

We are going to withdraw this bill, so maybe table subject to call? I'm advised by counsel that 2062 has been withdrawn.

**2063, sale of County owned real estate pursuant to Section 72•H of the General Municipal Law (Town of Huntington) (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Explanation, please.

**MS. ZIELENSKI:**

The Town of Huntington requested this property. They're paying us the County investment of \$20,378.05.

**CHAIRMAN O'LEARY:**

I want to commend my aide. Maria, you are right on target with this money. The five cents is right there.

**MS. AMMIRATI:**

Thank you.

**CHAIRMAN O'LEARY:**

Motion to approve and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2064 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2064, sale of County owned real estate pursuant to Section 72•H of the General Municipal Law (Town of Southampton) (COUNTY EXEC).**

**CHAIRMAN O'LEARY:**

Explanation, Pat.

**MS. ZIELENSKI:**

Yes. This is a request from the Town of Southampton. It's a small parcel in the Flanders wetland. They want it for their aquifer protection. And again, they're paying us that County investment of \$23,062.28.

**CHAIRMAN O'LEARY:**

There's a motion to approve an place on the Consent Calender by myself, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2064 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2066, designating individual agents as official volunteers for Suffolk County Society for the Prevention of Cruelty to Animals (COUNTY EXEC).**

**MR. ZWIRN:**

Mr. Chairman.

**CHAIRMAN O'LEARY:**

Yes.



**MR. ZWIRN:**

If we might, the County Exec would ask this be tabled a cycle. Inadvertently, the names and the addresses of the volunteers were put into the resolution. We'd like to remove their addresses.

**CHAIRMAN O'LEARY:**

Okay. If I might ask, what would be the function of the volunteers with respect to this initiative?

**MR. ZWIRN:**

They would be working with the organization as investigators, you know, going out and doing, you know, routine •• visiting pet stores, see what •• you know, making reports back to them so that they can ••

**CHAIRMAN O'LEARY:**

And, clearly, they will be volunteers, they will not be compensated for this?

**MR. ZWIRN:**

Volunteers.

**CHAIRMAN O'LEARY:**

Perhaps they should seek exempt status.

**MR. ZWIRN:**

Are they covered by the contract? As long as they can get steps.

**CHAIRMAN O'LEARY:**

Will they be indemnified?

**MR. ZWIRN:**

Yes.

**CHAIRMAN O'LEARY:**

They will be? All right. At the request of the County Executive to table for one cycle, I'll make a motion to table, seconded by Legislator Montano. On the question of the motion to table 2066? Hearing none, all those in favor? Opposed? Abstentions? 2066 is **TABLED. (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**2089, directing the Suffolk County Attorney to sell, devise, transfer, alienate or otherwise extinguish a possibility of reverter in favor of**

**the Village of Greenport (CARACCIOLO).**

I have a request from the sponsor to table the resolution. There's a possibility that this matter might be withdrawn. It has not been, so I'm going to go along with the sponsor's request to table this, seconded by Legislator Losquadro. On the question of the motion to table 2089? Hearing none, all in favor? Opposed? Abstentions? 2089 is **tabled (VOTE:4•0•0•1 • Not present: Legis Mystal).**

2091 has been withdrawn. **2092, extending financial support to County workers whose volunteer efforts are necessary to aid in disaster relief (MONTANO).** Legislator Montano.

**LEG. MONTANO:**

Motion to approve.

**CHAIRMAN O'LEARY:**

Why?

**LEG. MONTANO:**

You want an explanation?

**CHAIRMAN O'LEARY:**

Yes, please.

**LEG. MONTANO:**

As a result of what •• the disaster that happened in New Orleans with Hurricane Katrina, there are many County employees who liked to have volunteered to go down there and assist in the relief efforts. This bill simply sets up a process where we will, you know, have a committee that will be able to report to the County Executive for a process so that in the future should there be a need for County employees to assist other parts of country in their disaster efforts, we will then be able to begin the process of identifying workers that, number one, have the skills necessary to provide relief; number two, can be deployed by the County without depleting the necessary work that goes on here in the County. And issues of compensation, issues of union benefits and all of that would have to be addressed, but this begins the process of formalizing some kind of process plan so that we can have a ready •• a ready system to help other areas in need of •• in their time of need.

**CHAIRMAN O'LEARY:**

This is a prospective resolution, it doesn't address any retro compensation because of their efforts with respect to Hurricane Katrina?

**LEG. MONTANO:**

No, it doesn't deal with that at this point. That's a process that we need to look at and need to address prospectively. You can't send County employees to other parts of the world without knowing what their benefits would be,

what their compensation would be, what liability would be out there. So this begins the process of having the •• you know, this information provided to the County Executive so that we can move forward on some kind of actual plan. Counsel, is there anything you can supplement?

**CHAIRMAN O'LEARY:**

If I may comment •• go ahead, Counsel, comment.

**MS. KNAPP:**

I limit my comment to the extent that it was modeled after the ones that provided benefits for National Guard people reservists. The difference here as opposed to there, there they are called up by the branch of service. In this case, it would be people who are willingly going to volunteer, and that's a big difference in that there is no one requiring their presentation. So in this case, Legislator Montano put in basically a committee that would look at the individuals and their skill sets and what the needs were in the disaster area, and this committee then would make the decision as to whether or not they would •• they are needed.

**CHAIRMAN O'LEARY:**

That's a point well taken. Legislator Montano, you are seeking to compensate in the future prospectively County employees who volunteer their efforts, not necessarily those who are either called up with respect to a Reserve obligation or directed to do so by the municipality? If they volunteer their efforts and it hasn't been directed by the municipality, you would want them to be compensated for their efforts, is that what the intent of this bill is?

**LEG. MONTANO:**

Go ahead.

**MS. KNAPP:**

So long as the committee put in place would deem that their services are necessary and they have the skill sets.

**LEG. MONTANO:**

Right. Every employee that says, "I want to get up and volunteer," is not going to be compensated. But in situations where the County says yes, we're willing to send these people because they have the necessary skills, they're going to provide a relief, and the County •• this is something that has to be worked out, I believe, with the County Exec's Office. We just can't allow employees to get up and leave and come back and submit a bill to Suffolk County. There has to be a plan, and this sets in motion a plan. Now, maybe the County Exec's Office and the County of Suffolk would say to another county, "We're going to send you five people, we're going to send you six people," and we in fact will have a process where we will work out some type of compensation for those people. But this is •• this is not set in stone. This is more of setting up a process so that we begin to identify the employees and identify a process. And from what I understand, there are some Collective Bargaining aspects to this type of volunteer effort also, and all of that has to be looked at. This just sets the first stage.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, thank you very much. I guess to the sponsor and to Counsel, I think that the concept that you are articulating here really has a lot of merit and has a lot of value, because certainly we have a variety of specialties that exist throughout the County workforce; in Health, in EMS, in PD, all over the place. But personally, I'm concerned with the authority that it appears this resolution would emplace or empower the County Executive with in the Second Resolved, because while a committee is created, on reading this, it does appear that we're giving the County Executive the ability to go ahead and reopen Collective Bargaining Agreements; is that correct?

**CHAIRMAN O'LEARY:**

Are you asking Counsel or me?

**LEG. KENNEDY:**

I guess anybody who can go ahead and say what the actual impact of this specific reso is.

**CHAIRMAN O'LEARY:**

I'll defer to Counsel. But it would seem to me that there's a lot of questions with respect to going forward with this initiative. And, Mr. Tempera, you are here to comment on it.

**MR. TEMPERA:**

Yes.

**LEG. MONTANO:**

You're here to comment on it?

**CHAIRMAN O'LEARY:**

That's why he came up. Remember I had told him to stay in chair unless he wants to comment on something.

**MR. TEMPERA:**

Actually, Legislator Montano, your comments clear up a couple of questions I had in my own mind. But, number one, the way the bill is written, you're talking about volunteers, and based on Legislator O'Leary's comments, I think a few moments ago, about the Resolution 2066, a volunteer typically isn't paid. But you seem to be •• you seem to be targeting something that the County already has the right to do. If •• and the limitations within your bill were, in my opinion, would be illegal if you limit it to 30 days. If we direct an employee, whether it be a police officer, whether it be a representative of the Health Department, Emergency Services, to go to some disaster relief point, and they're acting in their capacity as a County employee, we're required to pay them.

What I understood this bill to be is somebody volunteers on their own outside



of their County duties, and they chose to go off to a disaster relief point, whether it was Hurricane Katrina or the tsunami or something else and those were addresses, those individuals have a right to request a leave, but they wouldn't be paid for that time.

**LEG. MONTANO:**

No, that's not the intent of the bill. The intent of the bill is to set up a process. Now you are saying that the County already has the ability. Does the County have a process in place where if there's •• for instance, in New Orleans, the County will get up and take 15 people and direct them to another location?

**MR. TEMPERA:**

I don't know that there's a formal process in place, but if you •• if you recall what was going on down in New Orleans and the different areas, you saw different members of the New York City Police Department down there, different Emergency Services people down there, they were directed by their department, is my understanding, to report to those areas, therefore, they're being paid by their departments, they're covered, they're still working.

**LEG. MONTANO:**

Did we have any people from Suffolk down there?

**MR. TEMPERA:**

I can't answer that. I don't know if we had anyone that was directed to be

there. But the ability was there. And I know it had been discussed whether or not we would send employees down there, what the outcome was, I don't know, because the needs •• I think what we looked at here is the needs of Suffolk County, obviously, have to be looked at. And that would have been one of my other comments, if you wind up in a disaster situation, if an employee •• and I didn't realize the intent of your committee would be to clear people to go or not to go, because obviously the needs of Suffolk County would come first if the person was needed here.

**LEG. MONTANO:**

Exactly. Right. This would be a process where as its read, the Commissioner of Health Services, the Commissioner of Emergency Services and the Fire, Rescue and Emergency Services and the Police Commissioner authorize, empower and are directed to form a committee for the sole purpose of advising the County Executive in the event of a domestic disaster as to the need for emergency relief services. So this would set that in process.

Now, I'm not aware of •• number one, I'm not aware of any County employees were directed to the New Orleans area as a result of Hurricane Katrina, but this bill is as a result of what transpired there and the need of that locality. And what we're looking to do is to develop a process so that if there is a disaster that we feel that we can contribute to, relief efforts, we want to have a process in place. And I'm not aware that there is a process in place right now. Now, this directs •• this gives the power to the County Executive because the direction of County employees is an Executive function, we're not looking to usurp that.

**MR. TEMPERA:**

Okay. And again, it was my misunderstanding when I first read the

resolution. Again, I know that individuals were called, there were discussions with regards to trying to send County employees to those areas. And I will tell you any time you get into a situation like that, it raises a host of secondary issues that need to be looked at and discussed. There were police officers •• if somebody gets hurt, you're talking about the 207 C concerns, the workers comp concerns, overtime concerns. All of those things •• housing. You know, there's a host of issues. I do know that there were representatives of the Police, Emergency Services, Health Department that were looking at whether or not the County would be able to send employees down there. I don't have the results of what happened with those discussions, but I know it was something the County Exec was looking at. They have the right now to send County employees down. The other piece though is you limited it to 30 days, and they would only get paid for 30 days, if I remember correctly, in your resolution. If they are •• if they are County employees, and they are directed to go somewhere as part of the their County duties by a department head, they are working.

**CHAIRMAN O'LEARY:**

What comes to mind is the Emergency Services Unit of the PD. There was some consideration to send them down to New Orleans, and not on a volunteer basis, but at the direction of the Commissioner. Had that •• well, that was cancelled. But had they gone, are you saying that they would have been covered in totality with respect to all the compensation packages, including 207 C had they been injured down there?

**MR. TEMPERA:**

If the Commissioner directs someone to report to a location and directs them to work in a location, they're working for us. There were individuals who report •• 9/11, reported into New York City, and as you're aware, those individuals were working for us, and they were paid.

**CHAIRMAN O'LEARY:**

I'm keenly aware of that, that's why I brought that the attention of committee.

**MR. TEMPERA:**

If they're working for us and they're directed by us to do some sort of work, they're covered employees, they're performing County duties, they have to be paid.

**CHAIRMAN O'LEARY:**

With respect to that statement, then I'm confused with what the initiative or the intent is. Is it to compensate •• is it to compensate, individuals, Legislator Montano, who volunteer, who are not directed to go?

**LEG. MONTANO:**

Yes, but are authorized to leave.

**CHAIRMAN O'LEARY:**

Suppose they're not authorized to leave?

**LEG. MONTANO:**

Well, they would have to be authorized to leave.

**CHAIRMAN O'LEARY:**

Suppose they take a leave of absence, suppose they take a leave of absence and they're down their on their own time, you would want them to be compensated, based on this initiative, correct?

**LEG. MONTANO:**

No. No.

**CHAIRMAN O'LEARY:**

Well, then I'm confused.

**MR. TEMPERA:**

I was going to say, that's how this reads, and that's how I had first read this resolution. This is an individual who is covered under some disaster relief organization, the Federal Government, and they say, "Listen, we need your services down here, we'd like you to report." Well, they're in a county worker in some other area, some other agency, they could ask for a leave of absence, they could ask to use their vacation time. This would require, as I understood it, to say, "No, okay, we're going to pay you up to 30 days while you volunteer to go somewhere else."

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

While I agree that discussing this is something that's worthwhile, one of the things that I think is lacking from this, when you were running through the litany of departments that would be involved in this process, one that I think is lacking is the Department of Public Works. From my insurance background, I know that one of the critical areas that needs to be rebuilt is infrastructure. And we could potentially have individuals whose expertise could be used in other parts of the country. And again, going back to that experience, companies routinely set up •• large companies routinely set up NAT•CAT or National Catastrophe Teams, and the areas you draw from are areas such as this with high population centers; the East Coast, the West Coast, up in the Chicago area. These are the areas where requests are made to municipalities to draw from.

One of the problems that occurred early on with the September 11th efforts and even early on in the Gulf Coast efforts was a lack of coordination and a flood of volunteers that went in there. And it becomes very difficult for those areas to manage that flood of volunteers. I think it should be a formal process, I think it should go through the municipalities, one municipality requesting from another municipality, and that municipality determining whether or not they can allow those resources to go. I think it's very laudable if people want to volunteer their time to individual relief efforts, but as far as municipal employees go, based on what I've seen in the insurance industry, I've seen with members of my family being volunteer firemen, I think it should be a coordinated effort that should go through government, and it functions much better and provides a much more coordinated better

relief effort.

At the moment •• as I said, I think these goals are laudable, but at the moment, I don't agree that this is the way to go about it. I think it should be a formalized process that the County should make a determination as to who it will and will not let go, and then assign them as County employees on County time.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Jeff, I need to go to that Second Resolved and the ability to go ahead and empower the County Executive to in essence open up the Collective Bargaining Agreement even if it is just to go ahead and address these issues. Under Taylor Law, as I understand it, once a Collective Bargaining Agreement is mutually executed, for all intent and purposes, that Bargaining Agreement remains in place, in tact, without the ability for either side to unilaterally modify it; is that correct?

**MR. TEMPERA:**

You stated it absolutely correctly, and the key term there was unilaterally. But if both sides agree to amend a provision in the Collective Bargaining Agreement, we have the ability to do that.

**CHAIRMAN O'LEARY:**

But this, clearly, as Legislator Kennedy just stated just gives ••

**MR. TEMPERA:**

No, it does not.

**CHAIRMAN O'LEARY:**

It allows the County Executive to reopen it?

**MR. TEMPERA:**

It allows the County Executive at the request of the Union to negotiate an agreement, which is exactly what we did when we dealt with, in the I think it was the late '80s, when you first dealt with the different military reservists being called up to provide them with certain protections. Under, I think it's Section 242 of the Military Law, they get the 22 work days or 30 calendar days whichever is greater. We went well beyond that back then and then continued it with the various military call•ups. The resolution that originally went forward authorized the County Executive to open negotiations with the Union and see if we could reach an agreement to go beyond what the law required.

**LEG. MONTANO:**

If I may, and I understand that this is the exact language of that resolution, so it really doesn't kick in the aspect of unilaterally saying that we're going to



change something. It has to be something that has to be discussed and worked out and negotiated, correct on that?

**MR. TEMPERA:**

Correct.

**LEG. KENNEDY:**

And the perimeters are limited then only to whatever that particular subject is? Once opened up, there's no ability to go ahead and move into other areas of the agreement for renegotiation, in this case, we're talking about just use of emergency personnel? And if it was invoked, it could only be discussions on that limited aspect?

**MR. TEMPERA:**

And again, the empowering language is spelled out, I think, very clearly in here as it has been in the past. You're empowering the County Executive to open negotiations to deal with a very specific purpose. If the Union says no, if the County Executive says no, it doesn't go anywhere.

**CHAIRMAN O'LEARY:**

Okay. I think we have discussed this enough, and I'm sure it's going to be discussed further at future meetings. So with that understanding, I'll make a motion to table, seconded by Legislator Montano.

**LEG. MONTANO:**

I'll table it for further discussion.

**CHAIRMAN O'LEARY:**

You're going to table it? You may not have a choice here.

**LEG. MONTANO:**

That's all right. It looks good on the record.

**CHAIRMAN O'LEARY:**

All right. There's a motion to table 2092 by Legislator Montano, the sponsor of the motion, I'll second that. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 2092 is **TABLED (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**2103, amending the Suffolk County Classification and Salary Plan and the 2005 operating Budget in connection with a new position title in the Department of Public Works (COUNTY EXEC).**

**MS. CHAYES:**

Do you need information on that from Civil Service?

**CHAIRMAN O'LEARY:**

Yes, please.

**MS. VIZZINI:**

This creates an entry level title, assistant mechanical engineer trainee, in Public Works at the recommendation of Civil Service. It also amends the classification and salary plan adding this new title. And as far as the 2005 budget is concerned, it abolishes an electrical engineer and creates the new position.

**CHAIRMAN O'LEARY:**

Okay. Comments.

**MS. CHAYES:**

This was result of a duty statement review to create the trainee title. Trainee titles are common in all other departments, and Civil Service had no problem with doing that. There was a need demonstrated by DPW. And the Commissioner is here to answer any other questions.

**CHAIRMAN O'LEARY:**

Commissioner Bartha.

**COMMISSIONER BARTHA:**

What this does is fills a gap in the career ladder for assistant mechanical engineer. It allows us to hire someone right out of college with a four year degree, and then they can learn the position and move on to assistant mechanical engineer position. We've had trouble recruiting in this particular, and this will address that. It will be the same grade as a junior civil engineer trainee, so it, as I said, fills a gap that exists in this particular career ladder, but not in the other engineering career ladders.

**CHAIRMAN O'LEARY:**

Are you aware of any opposition to this initiative on the part of the AME, the union that represents the employees.

**COMMISSIONER BARTHA:**

I'm not aware of any opposition.

**CHAIRMAN O'LEARY:**

Okay. Questions of the committee?

**LEG. LOSQUADRO:**

No.

**CHAIRMAN O'LEARY:**

Hearing none, I'll make a motion to approve, seconded by Legislator Montano. On the question of the motion to approve 2103. Hearing none, all those in favor? Opposed? Abstentions? 2103 is **APPROVED. (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**2125, acceptance of Town of Southampton quitclaim deed and sale of County owned real estate pursuant to Section 72•H of the General Municipal Law to the Town of Southampton (COUNTY EXEC).**

This has to do with the Flanders Fire Department?

**MS. ZIELENSKI:**

Yes. This has to do with a parcel that we 72•H'd to Southampton for affordable housing which had a reverter clause, so in order to effect change in use, we need to have your permission to accept a return of the property to the County subject to the reverter clause, and then we'll reissue a deed to Southampton for them to provide the Fire District with the property that they feel they need.

**CHAIRMAN O'LEARY:**

Okay. There's a motion to approve by myself, seconded by Legislator Montano.

**LEG. MONTANO:**

I'll second, but I had a question on it. Why are we changing the purpose if it was affordable housing and changing it, for what, to build a fire department •  
• fire house?

**MS. ZIELENSKI:**

I'm not exactly sure of the Fire Department's need, but they put the request through, and Southampton felt that it was •• the property was strategically located to the Fire Department's need. And obviously, we couldn't substitute something that was less conveniently located.

**CHAIRMAN O'LEARY:**

Mr. Zwirn.

**MR. ZWIRN:**

I had the opportunity to discuss this Mariane Zucker, who's our Director of Affordable Housing, and she had no objection, that this was a suitable site for the fire services there.

**CHAIRMAN O'LEARY:**

Motion to approve by myself, seconded by Legislator Montano and place on the Consent Calender. On the question of the motion to approve and place

on the Consent Calender? Hearing none, all those in favor? Opposed? Abstentions? 2125 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2134, to impose a moratorium on fee increases for Title Examiners (KENNEDY).**

**LEG. KENNEDY:**

I'd like to make a motion to approve. As we heard earlier today, I guess, from some of the Title Examiners, there does seem to be issues of concern. Mr. Zwirn, Mr. Kovesdy are here.

**MR. ZWIRN:**

Through the Chair.

**CHAIRMAN O'LEARY:**

Sure. Mr. Zwirn.

**MR. ZWIRN:**

Thank you.

**CHAIRMAN O'LEARY:**

You're welcome.

**MR. ZWIRN:**

Off the record, I will miss our banter in the next administration •• in the next Legislature. I've enjoyed our time together. You've always been very civil and respectful to me, and I hope I've returned it. I've enjoyed this. Now having said that •• I'm trying to jump in before you had a chance to say anything back.

**CHAIRMAN O'LEARY:**

Was that directed at me or at the committee.

**MR. ZWIRN:**

That was directed at you.

**CHAIRMAN O'LEARY:**

Well, thank you very much.

**MR. ZWIRN:**



Now, having said that •• I won't say that to the next Chairman, though. Now having said that, the County Executive is opposed to this resolution. He has gone out of his way to try to meet with the title examiners. They have a unique situation in Suffolk County. They have County space. Suffolk County has to go out and rent space in the Riverhead area, because they don't have enough space of their own and pays considerable rent to do that. If this space were available, the County could use this in a millisecond. There was talk some time ago about putting a new Mammography Unit in Riverhead, we don't have the space to do it. We could put it here if this space were available.

And it would do a lot of good for people who need that kind of equipment, that kind of testing in the Riverhead and North and South Fork areas.

But because of that, the County has gone out of its way. They have looked at these title examiner license agreements and tried to bring into them in the 20th Century, not the 21st Century, the 20th Century. They have had an unbelievable deal for a very long time. They pay \$200 a month. They do their own printing, they don't pay the County anything for printing. We provide security guards now. They have extra time to use the facilities. They're an important part of the Real Estate industry, and we recognize that. So the County Executive has tried to do •• take some of the recommendations of the Clerk's Office and put them into affect.

He has raised the rents, yes. They were paying \$200 a month, he suggested they go to \$600 a month. He originally asked for that to be retroactive to September 1st of this year. He has compromised with respect to that. At least he compromised until a couple of days ago, and they're relooking at it as part of the negotiations. There have been negotiations with respect to this. Public Works has gone out on more than one occasion to measure the space there. The space is not an issue. It sounded like there was an issue today when the title examiners were up here. They are title examiners who rent space there who have already paid the retro payments to the County,

and the County is holding them. This is not going to be •• there is not a unified, apparently, stance on the part of the title examiners.

The County is trying to get a position that's defensible before the public. The taxpayers pay for this space, they should get a fair return on there investment, and that's what the County Executive has tried to do. Now •• and it's come a long way from where it was originally. They did their own printing, they got free computers. The County is now providing upgraded computers at state contract cost. In this budget there is a new person who is going to be there just to work on these computers. Legislator Kennedy, I think you are probably more aware of it than anybody.

**LEG. KENNEDY:**

Right. As a matter of fact, most of the statements that you just made I could either go ahead and kind of disregard based on some of the negotiation that went back and forth as far as the computers being put into the cubicles and/or elaborate on where things went. Make no mistake about this, the administration should not view this as something that's necessarily an initiative to empower individual entrepreneurs, because that's what abstractors are. I'm fully cognizant of that. But I think you hit the nail on the head that they play a unique role within the economy in the County of Suffolk, and they facilitate \$40 billion worth of commerce that went through the doors of that building last year. In essence, they're one of the cornerstones of the economy that keeps this County in a position that its in right now.

That notwithstanding, we also heard that the contemplated increase is in the neighborhood of 300% increase. Now, we can talk a whole lot about where things were, where they might have been, what the deals were, this, that and the other thing. There was a resolution that was in place that governed the

license fee structure that a prior Legislature and County Executive mutually executed going back to 1997, and it operated going forward. The present administration has taken its prerogative to go ahead and revisit the license, and that's what it is. A license is merely the right to go ahead and occupy. I think everyone is cognizant of that too.

The only issue I think that's really in place here, and I have told all parties, from my intention as the sponsor of this resolution, my focus is now and it is only equity associated with the rents and that's it. I'm not interested in the printing aspects of things or the ownership aspects of the computers as long as the integrity of the system that's in place out there is maintained, and that was always our key goal as we implemented the Clerk system out there when we put the computers into the cubicles. So I think at the end of the day we have, in essence, two parties or a group of parties and another party, there's a disproportionate balance as far as the ability to negotiate from the administration on one side and the individual entrepreneurs.

Certainly there are some, I guess, who will elect to go ahead and go forward. There's others who have raised an issue in equity. This really just looks to go ahead and say, "Let's take a look at trying to bring fairness across the board, make entrepreneurs go ahead and pay a fair fee and allow commerce to continue." That's all.

**MR. ZWIRN:**

May I respond, Mr. Chairman?

**CHAIRMAN O'LEARY:**

Well, I'm going to •• yeah, okay. I do have a time constraint problem here. I'm going to have to move on.

**MR. ZWIRN:**

I understand, I will be brief. But the problem is if this resolution passes, it freezes the present system in place. The County has ordered new printers that are being hooked up, there are new computers out there already that are working. And what you are doing is you are freezing the rents in the license agreement where they are indefinitely.

**LEG. KENNEDY:**

No, not indefinitely. As a matter of fact, the resolution has a six month time period.

**MR. ZWIRN:**

It's half a year.

**CHAIRMAN O'LEARY:**

Before we get into any further debate or discussion on this issue, I just want to point out that the intent of the resolution is just to place a moratorium to expedite perhaps another sit down between the parties involved to try to work out what is obviously a major source of contention with respect to the points that Legislator Kennedy raises. So I would strongly urge that the parties involved do expedite this matter and their concerns to address your concerns as well with respect to the printing and whatever it is that you just

raised.

**MR. ZWIRN:**

Mr. Chairman, the only thing is that the six months is a very long time. It's •  
• because we stopped the retro, I mean, the County Executive agreed not to  
do it retroactively as of September 1st between now •• in 2005. So, I mean,  
the loss of revenue to the taxpayers •• and how do you tell the taxpayers  
when they see the kind of deal that the title examiners are getting to the  
exclusion of County using the space for itself. Other counties don't do what  
Suffolk County is doing for the title examiners.

**LEG. KENNEDY:**

Other counties don't charge \$7,000 for abstractors, though, either.

**MR. ZWIRN:**

They don't have the space, they don't have the access that they have here.  
It's a very different situation.

**LEG. KENNEDY:**

I have been there. I've been there to Westchester, I've been there to  
Orange, I've been there to Nassau, I've been there in New York City. And as  
a matter of fact, I know exactly what the ••

**CHAIRMAN O'LEARY:**

Okay. I'm going to ••

**LEG. KENNEDY:**

So I'm going to make a motion to approve. I think there's merit to further discourse.

**CHAIRMAN O'LEARY:**

There's a motion to approve 2134 by Legislator Kennedy, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstention?

**LEG. MONTANO:**

Abstention.

**CHAIRMAN O'LEARY:**

There's one abstention. 2134 is **APPROVED (VOTE:3•0•1•1 • Abstention: Legis. Montano • Not present: Legis Mystal)**.

And we'll move on. **2143, releasing the County of Suffolk's right of reverter interest on premises known as and by in exchange for right**

**of reverter interests on premises known as and by and an affordable housing destination (COUNTY EXEC).** Can I have an explanation on this, please, quickly?

**MR. ZWIRN:**

What happened here was that the Town of East Hampton asked for the reverter to be release, and they offered the County another piece of property for affordable housing, so we made •• it's a swap.

**CHAIRMAN O'LEARY:**

All right. Is there a motion?

**LEG. LOSQUADRO:**

Yeah.

**CHAIRMAN O'LEARY:**

Good. I want to hear it.

**LEG. MONTANO:**

Motion.

**CHAIRMAN O'LEARY:**

Motion by Legislator Montano, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 2143 is approved. Can this be placed on the Consent Calendar, 2143?

**MS. KNAPP:**

Yes.

**CHAIRMAN O'LEARY:**

Yes. And placed on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2159, authorizing certain technical corrections to adopted Resolution No. 525•2005 (LOSQUADRO).**

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN O'LEARY:**

Motion by Legislator Losquadro, seconded by myself and to place on the Consent Calendar. 2059, on the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2159 is **APPROVED** and placed on



the **CONSENT CALENDER (VOTE:4•0•0•1 • Not present: Legis. Mystal)**

**2160, authorizing transfer of four surplus County computers to FECS Health and Human Services Systems (CARACAPPA).**

Motion by myself to approve, seconded by Legislator Losquadro. On the question of the motion. Hearing none, all in favor? Opposed? Abstentions? 2160 is **APPROVED (VOTE:4•0•0•1 • Not present: Legis Mystal)**

**Tabled sense**

**S•37. Sense of the Legislature Resolution requesting State of New York to repeal the requirement that two years elapse from the filing of a subdivision map before the map can be abandoned (TONNA).**

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN O'LEARY:**

Motion to table by Legislator Losquadro, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all in favor? Opposed? Abstentions? **Tabled (VOTE:4•0•0•1 • Not present: Legis Mystal).**

**S•68. Sense of the Legislature Resolution requesting that the New York State Workers Compensation Board give priority status to claims by Ground Zero workers (LINDSAY).**

Motion to approve by Legislator Montano, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all in favor? Opposed? Abstentions? 68 is **approved (VOTE:4•0•0•1 • Not present: Legis Mystal)**.

**S•72. Sense of the Legislature Resolution in opposition to amendment of the Real property Tax Law and Real Property Law (LOSQUADRO).**

Motion to approve by Legislator Losquadro, seconded by myself. On the question of the motion to approve?

**LEG. LOSQUADRO:**

I will give an explanation.

**CHAIRMAN O'LEARY:**

You are not being asked to give an explanation.

**LEG. MONTANO:**

Yes, he is.

**LEG. LOSQUADRO:**

Yes, I was.

**CHAIRMAN O'LEARY:**

Okay. Explanation.

**LEG. LOSQUADRO:**

Very quick. This opposes the two bills, one in the Assembly, one in the Senate, which would amend the Real Property Tax Law in relation to assessment of condominium properties the reassess them as single-family homes. It would unfairly burden the downstate area, especially senior housing, which is currently listed as •• given condominium status and would cause a great hardship to those already burdened by taxes on Long Island.

**CHAIRMAN O'LEARY:**

Okay. Motion to approve by Legislator Losquadro, seconded by Legislator Kennedy. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? The Sense is **APPROVED. (VOTE:4•0•0 •1 • Not present: Legis Mystal).**

Is there a need for us to go into Executive Session? Yes, there is. Okay. I'm going to take a brief recess for purposes of going into Executive Session at the request of the County Attorney's Office.

**(\* AN EXECUTIVE SESSION WAS HELD FROM 11:41 A.M. UNTIL 11:45 A.M\* )**

**(\* THE MEETING WAS ADJOURNED AT 11:45 A.M.\* )**

**\\_ \\_ DENOTES BEING SPELLED PHONETICALLY**